



Docket No.: 057042-0081

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Emmanuel KANTERAKIS, et al.	:	Confirmation Number: 5994
Application No.: 10/649,816	:	Group Art Unit: 2631
Filed: August 28, 2003	:	Allowed: December 21, 2005
	:	Examiner: T. Bocure
For: PRE-DATA POWER CONTROL COMMON PACKET CHANNEL	:	

**COMMENTS RESPONSIVE TO STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the December 21, 2005 Notice of Allowability regarding the above-identified application. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

The Statement substantially repeats the words of the independent claims. The patentable language of the allowed claims is already of record in the case and is adequately clear. Applicants' positions on patentability also are already of record in this matter. Repetition of claim language in the Statement, even with highlighting as in the discussions of claims 15 and 19, adds nothing substantive to the record and should not create any narrowing interpretation or estoppel with regard to any of the allowed claims or any one or more of the repeated recitations of the independent claims.

With regard to claim 5, the Statement includes a parenthetical comment that the receiving of a detectable access burst from a remote station was "interpreted by the Examiner as if the remote unit is assigning the code in which the base stations[sic] communicating." This interpretation is

traversed. The express wording of the relevant paragraph of claim 5 is quite different from the interpretation proposed in the statement. The actual claim language states that the detectable access burst comprises one of a plurality of possible coded preamble signals, which has been selected by the remote station from among a plurality of coded preamble signals assigned to a base station. The paragraph also states that the one preamble code corresponds to one of a plurality of spreading codes assigned to the base station for use on uplink communications to the base station. The wording of the claim paragraph is thus quite different from the inaccurate interpretation proposed in the Statement.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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as our correspondence address.**